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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,457	05/04/2001	Chen Lai Cheng	JCLA6623	8348

7590
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01/28/2004

EXAMINER

DUONG, KHANH B

ART UNIT PAPER NUMBER

2822

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/849,457

Applicant(s)

CHENG ET AL.

Examiner

Khanh Duong

Art Unit

2822

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-16 and 21-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-16 and 21-23 is/are rejected.
- 7) ☒ Claim(s) 24-30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION***Response to Amendment***

This Office Action is in response to the Amendment filed November 7, 2003.

Accordingly, claims 14, 16, 21, 22, 26, 27 and 30 were amended.

Claims 14-16 and 21-30 remains pending in this application.

Response to Arguments

Applicant's arguments with respect to the amended claims have been considered but are moot in view of the new ground(s) of rejection.

Specification

The disclosure is objected to because of the following informalities:

page 10, paragraph [0040], line 18, "Likewise ... wit" is incomplete (see attached image below).

10 [0040] According to the invention, the covering layer can also be designed with various structure. FIG. 8 is cross-sectional drawing, schematically a packaging structure of an LED, according to still yet another preferred embodiment of the invention. The structure shown in FIG. 8 includes a substrate 50. A light emitting device 80 is formed on the substrate 50. The light emitting device 80 at least includes the transparent anode layer 52, the LED material layer 54, and the metal cathode layer 56 as previously described. Moreover, a sealant can also be included. In this embodiment, the difference is the structure of the covering layer 82. As the covering layer 82 is etched to form the recess region, the outer peripheral region of the device is also etched to form a trench ⁸⁶84. Likewise, an active absorption layer 64 is also formed wit

Appropriate correction is required.

Claim Objections

Claims 24, 26 and 27 are objected to because of the following informalities:

Re claim 24, line 3-4, claim 26, line 5-6, and claim 27, line 8-9, "the active absorption layer" should be -- the active gas-moisture absorption layer--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 22, line 3, the limitation "the covering surface" lacks sufficient antecedent basis in the claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

Art Unit: 2822

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 14-16, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi (US 2002/0033664 A1) in view of Matsuura et al. (US 6,175,186).

Kobayashi discloses a method for forming an LED, as described in the previous Office Action, comprising: providing a transparent substrate 1, wherein a transparent anode layer 5, a light emitting layer 3 and a metal cathode layer 2 sequentially formed on the substrate 1; providing a covering layer 9 comprising a cap-like layer to completely cover over a sealant layer 8, the transparent anode layer 5, the light emitting layer 3 and the metal cathode layer 2; performing an evaporation deposition process to form an active absorption layer 19 on a surface of the covering layer 9; and putting the covering layer 9 with the surface having the active absorption layer 19 over at least a portion of the light emitting unit 3 above the metal cathode layer 2.

Re claims 14-16, 21, and 23, Kobayashi fails to show the active absorption layer being a gas-moisture absorption layer.

Art Unit: 2822

Matsuura et al. (cited in previous Office Action) suggests employing a gas-moisture absorbing agent such as calcium carbonate in the space encompassed by the covering layer 7 and the substrate 2 (see FIG. 1; col. 8, lines 20-34).

Since Kobayashi and Matsuura et al. are both from the same field of forming organic electroluminescent (EL) device, the purpose disclosed by Matsuura et al. would have been recognized in the pertinent prior art of Kobayashi.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the process of Kobayashi by incorporating the gas-moisture absorbing agent as suggested by Matsuura et al., since such modification would prevent moisture from reacting with the cathode.

Allowable Subject Matter

Claims 24-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 22 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2822

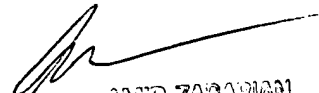
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Duong whose telephone number is (703) 305-1784. The examiner can normally be reached on Monday - Friday (9:00 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amir Zarabian, can be reached on (703) 308-4905. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

KBD
January 14, 2004


AMIR ZARABIAN
SUPERVISOR OF EXAMINER
TECHNICAL UNIT 2822